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BALL CORPORATION and
BALL METAL BEVERAGE CONTAINER CORP.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RICHARD MARTIN,

Plaintiff,

v.

BALL CORPORATION, an Indiana
Corporation; BALL METAL BEVERAGE
CONTAINER CORP., a Colorado Corporation;
FRANK BRAGGER, an Individual; DOES 1
through 20, inclusive,

Defendants.

Case No: 2:21-cv-01049-DAD-CKD

**ORDER GRANTING DEFENDANTS'
MOTION TO COMPEL PRODUCTION OF
PLAINTIFF'S WORKERS' COMPENSATION
RECORDS**

Complaint Filed:	November 23, 2020
Removed:	June 14, 2021
FAC FILED:	July 21, 2021
SAC FILED:	July 4, 2024
TAC FILED:	August 29, 2024
Trial:	September 8-15, 2026

On May 15, 2025, Defendants' Motion to Compel Plaintiff's counsel to Produce All Records Responsive to Defendants' Subpoena for Plaintiff's Workers' Compensation Records was set for hearing on May 28, 2025 before the undersigned. (ECF No. 60.) On May 21, 2025, Plaintiff filed a Statement of Non-Opposition, acknowledging that objections were not timely preserved and that "such procedural omission dictates the resolution of the motion." (ECF No. 61.) Plaintiff "does not oppose entry of an order compelling production on or before June 6, 2025 (the date sought by Defendants' proposed order)." (*Id.*) In light of Plaintiff's non-opposition, the court will vacate the hearing as unnecessary and grant the motion. The Court commends the parties' cooperation in this matter.

ACCORDINGLY, IT IS HEREBY ORDERED that:

1. Defendants' Motion to Compel Plaintiff to Produce All Records Responsive to Defendants'

Subpoena for Plaintiff's Workers' Compensation Records (ECF No. 60) is GRANTED. Plaintiff's counsel shall serve the complete, nonprivileged portion of Plaintiff's Workers' Compensation file within ten (10) days of this Order; and

2. The hearing set for May 28, 2025 is hereby VACATED.

Dated: May 27, 2025



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE